

BOARD OF SELECTMEN

Tuesday, May 5, 2015

A meeting of the Rockport Board of Selectmen was held at 6:30 pm on Tuesday, May 5, 2015 with four selectpersons, the Town Administrator and the Asst. Town Administrator; Chairperson Wilkinson was not present.

6:30 Meeting Called to Order

Executive Session pursuant to G.L. Ch.30A, §§ 21(a) (1) and (7) for consideration of a pending innholder's license renewal for M.R. Welcome, Inc. Selectperson Murphy moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #1 to discuss the reputation and character of an individual and for Exception #7 to act under the authority of a general law, Selectperson Lucas seconded, roll call vote: Selectperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, all in favor.

Executive Session –
Exception #1 and
Exception #7.
Motion:
Approved

7:00 Pledge of Allegiance and Moment of Silence

7:15 Alcohol License Transfer Hearing: Selectperson Battistelli moved that the Board of Selectmen open a Public Hearing on the application of R.W. Emerson's Inn By The Sea, LTD to transfer an annual license to sell alcoholic beverages, Selectperson Murphy seconded, Vote: 4-0. Selectperson Sheedy read the public notice, published in the newspaper on 4/24/15. Atty. Brian Akashian from Chelmsford, MA, is in attendance representing the applicants. Three of the principals are in attendance. They manage the Emerson Inn by the Sea; the hotel would be purchased by the LLC. They have experience managing properties with alcohol licenses, primarily in Maine; this is their first in Massachusetts. This is the first they are purchasing. They plan to make it more consumer friendly, adding modern conveniences. All the principals are Maine residents. No significant changes are planned, the plans are year round. T. Arsenian, 95 Granite Street, said he had requested that the sign on Phillips Avenue and Granite Street be looked into to verify what has been authorized. A second sign indicates Mother's Day Lunch. The Town Administrator said the Emerson Inn Sign is permitted, she recommended T. Arsenian stop by the office for information on the sign because it has been researched. She said the building inspector has the documentation in his office. She stated there is no evidence of payment to the town. T. Arsenian said it is not appropriate for the sign to be on town property for private benefit without payment to the town.

Alcohol License
Transfer Hearing
Motion
Approved

Emerson's Inn
by the Sea

Selectperson Murphy moved to close the public hearing, seconded by Selectperson Battistelli, roll call vote: Selectperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, all in favor.

Motion to close
Public Hearing
Motion
Approved

Selectperson Lucas moved that the Board approve R. W. Emerson Inn by the Sea, LTD's, application to transfer an annual license to sell alcohol beverages to MHG Rockport LLC, dba The Grand Café at The Emerson Inn by the Sea, located at 1 Cathedral Avenue, seconded by Selectperson Murphy, Vote: 4-0.

Approval R. W.
Emerson Inn by
the Sea for
license transfer
Motion
Approved

Interview of June Michaels for Reappointment to the Finance Committee: Selectperson Battistelli nominated June Michaels as a member of the Finance Committee for a term to expire on May 1, 2018, Selectperson Murphy seconded, Vote: 4-0. June has been on the committee since 1994. The Town Administrator is working on the financial issues with working groups. She said she doesn't believe in term limits. It takes members about 3 years to really get a handle on it unless they have a financial background.

Nominate June
Michaels to
Finance
Committee
Motion
Approved

Nominate L. Wessel to Finance Committee Motion Approved

Reappoint L. Wessel and J. Michaels to Finance Committee Motion Approved

Approval of 4/28/15 Minutes Motion Approved

Selectmen Updates & Liaison Reports:

Public Comment Period:

Action List:

Open Meeting Law Complaint - Acknowledge Receipt & consider possible response

Motion Approved

Interview of Laurene Wessel for Reappointment to the Finance Committee: Selectperson Murphy nominated Laurene Wessel as a member of the Finance Committee for a term to expire on May 1, 2018, Selectperson Lucas seconded, Vote: 4-0.

Selectperson Lucas moved to reappoint both Laurene Wessel and June Michaels to the Finance Committee for a term to expire on 5/1/18, seconded by Selectperson Murphy, Vote: 4-0. Laurene said she has been on the Finance Committee for seven years and enjoys it very much. She said they have one vacancy this year; she will be chair this year.

Approval of Minutes of April 28, 2015: Selectperson Lucas moved that the Board of Selectmen approve the minutes of April 28, 2015, Selectperson Murphy seconded, Vote: 4-0.

Selectmen Updates and Liaison Reports: Selectperson Murphy spoke about some violations of the outdoor display permits on Bearskin Neck; he inquired about a police officer that was supposed to be monitoring this. The Asst. Town Administrator said he spoke to Paul Orlando about this. He spoke to the Town Clerk today regarding putting three ballots through the machines, so if we had an election during the presidential primary for the relaxation of the alcohol rules, we could do that with the permission of the legislature in March. Once approved at the ballot it is effective immediately. Selectperson Lucas spoke about the letter of support requested at the prior meeting from the Millbrook Meadow Committee; she said she spoke to Ruth George. R. George said there is a requirement to send letters of support, but they are not expecting that a letter is necessary from the Board of Selectmen. She said she understood that the Board of Selectmen is not supporting one project over another, so the Board's letter could come later in the process. Mel Michaels said it is not a requirement, but a strong urging. The Town Administrator said the Board of Selectmen has been invited to march in the Memorial Day Parade; it is at 9:30 am at the Legion Hall.

Public Comment Period: T. Arsenian, 95 Granite St., said about 13-14 months ago said he spoke to the Board about looking into payments in lieu of taxes for non-profit groups in town. He asked if the board will consider this in light of the budget shortfalls. He said at the last meeting he had asked for the contract amount for the CATA contract renewal, it was omitted from the motion. He said it should be a matter of course that the motion should include the amount; Selectperson Sheedy said she agreed.

8:00 Action List

- Acknowledge Receipt, and Consider Possible Responses in Resolution, to an April 23, 2015 Open Meeting Law Complaint from Steve Sheehan concerning the Board of Selectmen's Executive Session Meeting Minutes: Selectperson Battistelli moved that the Board of Selectmen vote to deny that it committed any violation of the Open Meeting Law as alleged in the Sheehan complaint, and that Board approve the response to Mr. Sheehan's 4/23/15 open meeting law complaint as drafted by Town Counsel, Kopelman & Paige and that Town Counsel be directed to file said response to Mr. Sheehan and the Atty. General's Division of the Open Government in Accordance with General Law Chapter 30A, seconded by Selectperson Murphy, Vote: 4-0.

Selectperson Sheedy read the complaint from S. Sheehan. The Asst. Town Administrator said the office has been working on this request. The request includes open session minutes as well as Executive Session minutes. He said we consulted counsel and there is a difference in opinion of the open meeting law. He said we relayed that a municipality can charge for staff time, etc., in copying, we were not charging for the review. The complaint has been filed with the Board of Selectmen, the Atty. General's office should be copied with the town's response. Atty. Janelle Austin said the purpose of the Executive Session still exists. Some of the

meetings go back to 1985 for redacting; the Asst. Town Administrator said we are working on getting the cost for S. Sheehan. We're preparing an estimate for him and we will wait to hear if he accepts it.

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| <ul style="list-style-type: none"> ▪ Innholder's License Renewal for M.R. Welcome, Inc.: Selectperson Murphy moved to grant an Innkeeper's license to M. R. Welcome Company based on the Board's discussion in Executive Session, seconded by Selectperson Battiselli, Vote: 4-0. | <p>Innholder's License Renewal M. R. Welcome Motion Approved</p> |
| <ul style="list-style-type: none"> ▪ Permission to Hire an Assessors Clerk: Selectperson Battistelli moved that the Board of Selectmen grant permission to the Board of Assessors to hire an Assessors Clerk to fill the vacancy resulting from a resignation, Selectperson Murphy seconded, Vote: 4-0. | <p>Permission to Hire Assessor's Clerk Motion Approved</p> |
| <ul style="list-style-type: none"> ▪ Sign Permit for Sean Powers: Selectperson Murphy moved that the Board of Selectmen approve a sign permit for Sean Powers, for his "Sea Bag-Maine" retail shop located at 6 Dock Square, Selectperson Battistelli seconded, Vote: 0-4. This request is denied, it is an oversized sign. | <p>Sign Permit for Sean Powers Motion Denied</p> |
| <ul style="list-style-type: none"> ▪ Outdoor Display Permit for JoyLi Gifts: Selectperson Lucas moved that the Selectmen approve an Outdoor Display Permit for JoyLi Gifts at 32A Main Street as described in their Permit Application dated April 27, 2015 and specified in their attached narrative, photographs, and drawings, Selectperson Battistelli seconded, Vote: 3-0. Selectperson Sheedy recused herself as she has represented them in the past. | <p>Outdoor Display for JoyLi Gifts Motion Approved</p> |
| <ul style="list-style-type: none"> ▪ Outdoor Display Permit Renewals: Selectperson Battistelli moved that the Board of Selectmen renew the Outdoor Display Permit for the Sea Stores, Inc., dba Alikat at 2 Bearskin Neck and The Prince & The Pauper at 5 Bearskin Neck, Selectperson Murphy seconded, Vote: . Selectperson Battistelli moved that the Board of Selectmen renew the Outdoor Display Permit for Sea Stores, Inc., seconded by Selectperson Murphy, Vote: 4-0. No vote on the Prince and Pauper. | <p>Outdoor Display Permit Renewals: Sea Stores, dba Alikat & Prince and the Pauper Motion Approved only Sea Stores</p> |
| <ul style="list-style-type: none"> ▪ Street Performer License for Alexandra Grace: Selectperson Murphy moved that the Board of Selectmen approve a Street Performer License for Alexandra Grace of 14 Hawthorne Road in Gloucester to perform at "Rockport Nights on Main Street", Selectperson Battistelli seconded, Vote: 4-0. She plays light acoustic, guitar and sings and is a junior in high school. | <p>Street Performer License for Alexandra Grace Motion Approved</p> |
| <ul style="list-style-type: none"> ▪ Street Performer License for Joshua Cominelli: Selectperson Lucas moved that the Selectmen approve a Street Performer License for Joshua Cominelli of 5 Starknought Heights in Gloucester to perform at "Rockport Nights on Main Street", Selectperson Murphy seconded, Vote: 4-0. | <p>Street Performer License for Joshua Cominelli Motion Approved</p> |
| <ul style="list-style-type: none"> ▪ MoA for Veterans Agent Services District: Selectperson Batistelli moved that the Selectmen approve and sign an Inter-municipal Agreement with the City of Gloucester and the Town of Manchester for the formation of a Veterans Services district as conditionally approved by the Department of Veterans Services, Selectperson Murphy seconded, Vote: 4-0. | <p>MOS for Veteran's Agent District Motion Approved</p> |
| <ul style="list-style-type: none"> ▪ Library Fire Escape Stairs Replacement Contract: Selectperson Murphy moved that the Board of Selectmen approve and sign a contract with Meadows Construction Company of 4 New Pasture Road in Newburyport, Massachusetts to replace the exterior fire escape stairs at the Rockport Public Library in the amount of \$77,000, Selectperson Battistelli seconded, Vote: 4-0. | <p>Library Fire Escape Stairs Replacement Motion Approved</p> |
| <ul style="list-style-type: none"> ▪ Selectperson Lucas moved to add action item to tonight's agenda to approve an outdoor display permit for 8 Bells, seconded by Selectperson Murphy, Vote: 4-0. | <p>Add Item to agenda for 8 Bells, Motion Approved</p> |

- Selectperson Lucas moved to approve 8 Bells permit 9/26/12, seconded by Selectperson Murphy, no vote taken. A bench and a table are within the regulations. Items that are not for sale should be removed. The Town Administrator said 8 Bells applied for a permit in 2012, there was some difficulty and the Town Administrator couldn't get to the shop to discuss it. There was no permit in 2012. In 2013 there was misunderstanding that the permit needed to be renewed annually. The applicant is here tonight and there has never been an approved permit for this location. It was decided that the applicant should return within two weeks with a photo of two display items.
- Selectperson Battistelli moved to add an item to the action list involving the Board approving the Town's investment policy, Selectperson Murphy seconded, Vote: 4-0.

Approval of
Town's
Investment
Policy.
No vote
taken.

- Selectperson Battistelli moved to approve the Town of Rockport's investment policy dated 5/5/15, seconded by Selectperson Murphy, Vote: . The Town Administrator said the town is required to have an investment policy, specifically for the town treasurer, it pertains to the investments of capital, trust funds, and stabilization funds. The treasurer has the authorization to invest for the town. Administrator recommended having the auditors review it, as they are requiring the town to have this policy. No vote taken.

Selectmen Briefing

- Illumination Night Logistics: This is the 3rd year. Susan Collins and Lisa Webber were in attendance. They need a permit for fireworks on 8/8/15 and would like: the bathrooms to have extended hours, extended trolley hours, lanterns to be placed around town on town property, and on Nugent stretch a few signs when you're entering town. There will be a permit to start the music at 2pm, they are looking into the required police resources. It was stated that this is the 175th anniversary of the town and they questioned if anything is planned. They are planning on applying for the Guinness Book of World Records as the largest lantern in the world.

Selectmen
Briefing

Illumination
Night
Logistics

9:15 Discussion Items

National Grid Herbicide Treatments in Rockport: it was decided to obtain information on this.

9:35 Selectperson Murphy moved to adjourn, seconded by Selectperson Battistelli, Vote: 4-0.

Warrant Signed:

Warrant signed for the Fiscal Year 2015 Payroll and Expenses for the week of May 7, 2015 in the amounts of \$110,994.18 and \$186,666.43 respectively.

Items signed:

Agreement Meadows Construction, library fire escape stairs
Peg Leg, Innholder's License
8 Bells, Outdoor Display Permit
Alexandra Elizabeth, Street Performers License
Joshua Cominelli, Street Performer's License
Alexandra Grace, Street Performer's License
Changing Tides, Bed and Breakfast
Sea Stores, Outdoor Display Permit
JoyLi Gifts, Outdoor Display Permit
Emerson by the Sea, Form 43, ABCC
Emerson by the Sea, Innholder's License
Atlantic Pizza, Common Victualler's License
Asuka, Common Victualler's License